

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE
S/S Baltimore National Pike, 283' * ZONING COMMISSIONER
+/- E of E/S Pine Avenue
6037 Baltimore National Pike * OF BALTIMORE COUNTY
1st Election District
1st Councilmanic District * Case No. 96-114-SPHXA
Exxon Corporation
Petitioner *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the property located at 6037 Baltimore National Pike near Catonsville. The Petitions are filed by the Exxon Corporation, property owner, through Michael J. Specht, agency/attorney-in-fact. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing, Special Exception and Variance. Within the Petition for Special Hearing, approval is requested to amend the previously approved site plan in case No. 65-257-RX. Relief requested through the Petition for Special Exception is to permit a fuel service station use in combination with a convenience store. There are 10 specific variances requested. These generally relate to relief requested from Section 405 of the Baltimore County Zoning Regulations (BCZR) (Landscape areas, setbacks, etc.), Section 409 (Drive-aisle widths), and Section 413 (signs). The specific variances requested are referenced in Exhibit No. A which is attached hereto and made a part hereof.

Appearing at the public hearing held for this case was Jennifer A. Colvard on behalf of the Exxon Corporation. Also present was Timothy Whittle from Frederick Ward Associates, Inc., the consultants who prepared the site plan. Shmaya Estrogano, the proprietor of the service station, also appeared in support of the Petitions. David K. Gildea, Esquire appeared on

ORDER RECEIVED FOR FILING

Date

By

11/11/96
J. J. [Signature]

behalf of the Petitioner. There were no Protestants or other interested persons present.

Uncontradicted proffered testimony and evidence presented was that the subject site is .6522 acres in gross area, zoned B.L.-A.S. The property abuts the Baltimore National Pike (U.S. Route 40) on the southeast corner of the intersection of that road and Pine Avenue. The site is within that stretch of U.S. Route 40 between its interchange with the Baltimore Beltway (I-695) and Rolling Road. This is a highly commercial/business corridor which features many automobile fuel service and related uses, as well as retail and other commercial uses. The site has been used as an automobile service station for many years. Originally, a special exception relief was granted in the mid-1960s for a service garage. Exxon has operated a service station at this location for many years. Photographs of the site show same to be a well maintained service station operation. Presently, in addition to fuel sales, repairs are made within the existing service garage building.

As is the trend in the fuel sale industry, Exxon will be converting the site and eliminating the repair aspect of the business. A Tiger Mart retail will occupy the existing building. This use will provide a facility for the retail sale of convenience and household items. Fuel sales from the site will continue. This Zoning Commissioner is familiar with this type of operation and has evaluated many such uses throughout Baltimore County. Most of the major oil corporations are converting their fuel service operations to provide retail sales of convenience items. Many of the repair facilities are being eliminated.

As to the Petition for Special Exception, it is clear that same should be granted. This is a case where the history of the use of the site supplies persuasive evidence that the proposed use will not be detrimental to the health, safety and general welfare of the locale. In fact, the proposed

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Date

By

1/11/96
M. Hovak

use will be substantially similar to the previous activity, in terms of the sale of fuel. The conversion of the repair garage to a retail building will not be detrimental to the health, safety and general welfare of the locale. I am persuaded that the Petitioner has satisfied the legal standards set forth in Section 502.1 of the BCZR.

For similar reasons, the Petition for Special Hearing should also be granted. The amendment to the previously approved plan in case No. 65-257-RX is necessary to approve the conversion of the repair facility to the retail building. Again, for reasons set forth above, evidence is persuasive that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR.

As to the many variances requested, they should also be granted. The grant of the variances is necessary to accommodate the conversion and legitimize existing conditions. Variance relief is necessary to bring this older developed site into compliance with current regulations. Also, the re-development of the site is made difficult due to site constraints unique to this property. The parcel is of unusual shape and configuration. I am convinced that the Petitioner has satisfied the practical difficulty burden set forth in Section 307.1 of the BCZR and as construed by the case law. Thus, the Petition for Variances shall be granted.

Moreover, I shall condition the relief granted herein and require compliance with the Zoning Plans Advisory Committee (ZAC) comments. In this regard, both the Office of Planning and Zoning and the Development Plans Review Division suggest that a landscape plan be submitted to buffer the use from the surrounding properties. This will require the repair/replacement of an existing fence and additional plantings where appropriate.

ORDER RECEIVED FOR FILING
Date 1/11/96
By M. G. G. G.


Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 11th day of January, 1996, that, pursuant to the Petition for Special Exception, approval to allow a fuel service station use in combination with a convenience store, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for an amendment of the previously approved site plan in case No. 65-257-RX, be and is hereby GRANTED: and,

IT IS FURTHER ORDERED that variances from Section 405 of the BCZR (Landscape areas, setbacks, etc.), Section 409 (Drive-aisle widths) and Section 413 (signage), be and are hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with the Zoning Plans Advisory Committee (ZAC) comments from the Office of Planning and Zoning and the Development Plans Review Division regarding a landscape plan. Such a plan shall contain detail to repair and replace an existing fence and additional plantings, where appropriate.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 11, 1996

David K. Gildea, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Variance, Special Hearing and Special Exception
Case No. 96-114-SPHXA
Property Location: 6037 Baltimore National Pike
Exxon Corporation, Petitioner

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance, Special Hearing and Special Exception have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

cc: Ms. Jennifer A. Colvard, Exxon Co., USA, 6301 Ivy Lane, Suite 700
Greenbelt, Md. 20770
cc: Mr. Timothy Whittie, Frederick Ward Assoc. Inc., 5 South Main St.
BelAir, Md. 21014



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Balto., MD 21228

96-114-SHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case Nos. 65-257-RX.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barnhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fac

(Type or Print Name)

Signature

6301 Ivy Lane (301)513-7511

Address

Phone No.

Suite 700

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barnhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Towson, MD

21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: guy DATE 9-6-95

107



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Balto., MD 21228

96-114-S PHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station use-in-combination with a convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address 4th Floor

Phone No.

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: gsm DATE 9-6-95

107



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Balto, MD 21228

96-114-SPHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Towson, MD 21204 (410)832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: Jim

DATE

9-6-95

107

ATTACHMENT TO PETITION FOR VARIANCE TO THE ZONING COMMISSIONER
OF BALTIMORE COUNTY FOR THE PROPERTY LOCATED AT 6037 BALTIMORE
NATIONAL PIKE, BALTIMORE, MARYLAND 21228, WHICH IS PRESENTED
ZONED BL-AS

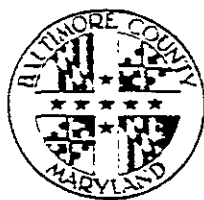
96-114-SPHXA

Variances:

1. Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 10 ft. abutting a public right-of-way.
2. Section 405.4.A.2.b to permit a landscape transition area of 2 feet in lieu of the required 15' when abutting residentially zoned land.
3. Section 413.2(F) to permit a modification of the existing 117.8 sq. ft. sign to 163.7 sq. ft. sign in lieu of the required 100 ft. sign requirement.
4. Section 405.4.A.2.a to permit a 10 ft. canopy set-back in lieu of the 15' requirement.
5. Section 405.4.A.2.a to permit a 20 ft. pump island set back in lieu of the 25 ft. set back requirement.
6. Sections 405.4.A.2.a and 232 to permit two ft. and 12 ft. building set back in side and rear yard in lieu of the required 10 ft. and 20 ft. side and rear yard set back requirements.
7. Section 405.4.A.1 to permit a site area of 21,484 sq. ft. in lieu of the 22,080 sq. ft. site area requirement.

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96-114-SPHXA
REV 10/24/95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Baltimore, MD 21228

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight & David K. Gildea
(Type or Print Name) Whiteford, Taylor & Preston

David K. Gildea
Signature

210 W. Pennsylvania Ave., Ste. 400
832-2000

Address Phone No.

Towson MD 21204
City State Zipcode

DROP-OFF
No REVIEW
10/24/95
HCR

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation
(Type or Print Name)

[Signature]
Signature

M. J. Speck (Agent/Attorney-in-Fact)
(Type or Print Name)

[Signature]
Signature

6301 Ivy Lane, Suite 700 (301) 513-7511

Address Phone No.

Greenbelt MD 20770

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Ave., Ste. 400 832-2066

Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

Larry: Is this the
attachment that is going
with the Order? Yes!
Also - David Guldlea ^{RB}
will be getting me the correct
Spelling of proprietor

105101
28145101
105101
105101

**ATTACHMENT TO AMENDED PETITION FOR VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY**

for the property located at 6037 Baltimore National Pike, Baltimore, Maryland 21228,
which is presently zoned BL-AS

VARIANCES:

A. Section 405.4A.2.b to permit a landscape transition area of 0 feet in lieu of the required 10 feet abutting a public right of way.

B. Section 405.4A.2.b to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land.

C. Section 413.2(f) to permit a modification of the existing 117.8 square feet sign to 163.7 square foot sign in lieu of the required 100 square feet sign requirement.

D. Section 405.4A.2.a to permit a 10 foot canopy set back in lieu of the 15 foot canopy setback requirement.

E. Section 405.4A.2.a to permit a 20 foot pump aisle setback in lieu of the 25 foot pump aisle setback requirement.

F. Sections 405.4A.2.a and 232 to permit 2 foot and 12 foot building setbacks in side and rear yard in lieu of the required 10 foot and 20 foot side and rear yard setback requirements.

G. Section 405.4 A.1 to permit a site area of 21,484 square feet in lieu of the 22,080 feet site area requirement.

H. Section 409.4C to permit a 4 foot aisle width in lieu of the 22 foot aisle width requirement.

I. Section 409.4C to permit an 11.5 foot aisle width in lieu of the 22 foot aisle width requirement.

J. Section 409.4C to permit a 6.5 foot aisle width in lieu of the 22 foot aisle width requirement.



Frederick Ward Associates, Inc.

ENGINEERS · ARCHITECTS · SURVEYORS

ZONING DESCRIPTION

96-114-SPHXA

6037 BALTIMORE NATIONAL PIKE
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a pipe found on the southerly right-of-way line of U.S. Route 40 Baltimore National Pike at a point lying North 72° 31' 59" East 283 feet more or less from the easterly right-of-way line of Pine Avenue. Thence leaving U.S. Route 40 and binding on the outline of Lot 17 of Douglas Park as shown on a plat recorded in Plat Book WPC No. 7, Part 2-170

- 1) South 07° 46' 57" West 144.80 feet to a pin found. Thence along the southerly outline of Lots 17, 18, 19, & 20
- 2) North 87° 00' 15" West 200.12 feet to a pipe found. Thence along the outline of Lot 20
- 3) North 00° 45' 34" West 63.69 feet to a pin found to intersect the southerly right-of-way line of U.S. Route 40. Thence binding thereon
- 4) North 72° 31' 59" East 230.95 feet to the point of beginning hereof

CONTAINING 21483 Square Feet (0.4932 Acre) of land more or less.



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-114-SP4X4

District: 1st Date of Posting: 10/27/95
Posted for: Special Hearing & Exception - Variance
Petitioner: EXXON CORP
Location of property: 6037 Balto. Nat'l Pk., S/S
Location of Signs: Facing road on property being zoned
Remarks: _____
Posted by: M. M. M. M. Date of return: 10/13/95
Number of Signs: 1 Signature: _____

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 107

Petitioner: Exxon Corporation

Location: 6032 Balt-Wat. Pike

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Gildea

ADDRESS: Whiteford, Taylor & Preston

210 W. Penn. Ave. Suite 400 Towson, Md. 21204

PHONE NUMBER: (410) 832-2066

AJ:ggs

(Revised 04/09/93)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

#107
96-114
No.

DATE 9-8-95 ACCOUNT 2001-6150

AMOUNT \$

755.00

RECEIVED
FROM:

EXXON CORP.

6037

BALTO. NAT'L

PUMP

SP. HDL - \$070
SP. EX. -
FOR: -

650.00

DESTINY (050) 3x35

105.00

06/01/90 12/14/90

04 0055:20FMD9-06-95

755.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

JCM.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 154323

DROP-OFF - NO REVIEW

CASE #96-114-SPHXA

ITEM #107

DATE 10/24/95 ACCOUNT 201-6150

AMOUNT \$ 100.00 (DOR)

RECEIVED
FROM:

Whiteford, Taylor & Preston

FOR:

#110 - REVISIONS

VPET + PLATS

005/ Baltimore National Pike

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

TO: PUTUXENT PUBLISHING COMPANY

September 28, 1995 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-114-SPHYA (Item 107)

6037 Baltimore National Pike

S/S Baltimore National Pike, 283'+/- E of E/S Pine Avenue

1st Election District - 1st Councilmanic

Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in case #65-257-RX.

Special Exception for a fuel service use-in-combination with a convenience store.

Variance to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-114-SPHVA

(Item 107)

6037 Baltimore National Pike
S/S Baltimore National Pike,
283 1/2 E of E/S Pine Avenue

1st Election District

Legal Owner(s):

Exxon Corporation

Hearing: Thursday,

October 26, 1995 at 2:00 p.m.
In Rm. 118, Old Courthouse.

Special Hearing: to approve amendments to previously approved plan in Case #65-257-RX. Special Exception: for a fuel service use in combination with a convenience store. Variance: to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setbacks; and to permit a site area of 21,464 square feet in lieu of 22,080 square feet site area requirement.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3351.

9/23/95 Sept. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henrichs

LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-114-SPHYA (Item 107)

6037 Baltimore National Pike

S/S Baltimore National Pike, 283'+/- E of E/S Pine Avenue

1st Election District - 1st Councilmanic

Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in case #65-257-RX.

Special Exception for a fuel service use-in-combination with a convenience store.

Variance to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement.

Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

10/26/95 10:30 AM





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 21, 1995

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-114-SPHXA (Item 107)
6037 Baltimore National Pike
S/S Baltimore National Pike, 283'+/- E of E/S Pine Avenue
1st Election District - 1st Councilmanic
Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #65-257-RX.

Special Exception for a fuel service use-in-combination with a convenience store.

Variance to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement; to permit a 4 foot aisle width in lieu of the 22 foot aisle width requirement; to permit an 11.5 foot aisle width in lieu of the 22 foot aisle width requirement; and to permit a 6.5 foot aisle width in lieu of the 22 foot aisle width requirement..

HEARING: MONDAY, DECEMBER 11, 1995 at 2:00 p.m.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: G. Scott Barhight, Esq./David K. Gildea, Esq.
Exxon Corporation





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 107
Case No.: 96-114-SPHXA
Petitioner: Exxon Corporation

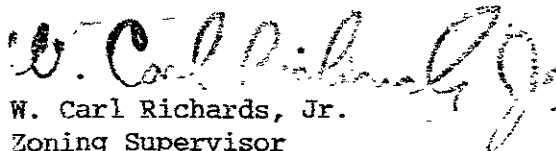
Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6037 Baltimore National Pike

INFORMATION:

Item Number: 107

Petitioner: Exxon Corporation

Property Size: _____

Zoning: BL-AS

Requested Action: Special Hearing, Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff recommends that the applicant's request be granted conditioned upon the petitioner being required to erect a new board on board fence to replace the existing fence.

Prepared by: Jeffrey W. Long

Division Chief: Caryl L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DAK*
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 107

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved prior to the release of permits. The submitted schematic landscape plan will need considerable refinement. A more appropriate residential buffer treatment is needed and a streetscape treatment for the State right-of-way will be sought.

RWB: SW

$\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 107 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto ~~MD~~ US 40 EAST are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 103

104

107

108

109

110

111

112

113

114

115

116

LS:sp

LETTY2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 105, 106, 107, 109, 110, 112, 113, 114 AND 115.

RECEIVED

SEP 21 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 107 Case No. 96-114 SPHXA Revised

The Development Plans Review Division has reviewed the subject zoning item. Please see Avery Harden in this office for detailed comments on the landscape plan.

The impacted area of the proposed addition is subject to the Landscape Manual.

RWB:sw

[Handwritten signature]

PETITION PROBLEMS

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRF

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid -- no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Suite 400
Towson, MD 21204

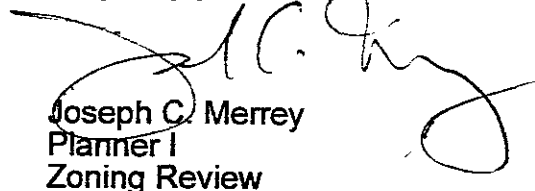
RE: Preliminary Revision Review
Item #107; Case #96-114-SPHXA
Legal Owner: Exxon Corporation
6037 Baltimore National Pike
1st Election District

Dear Mr. Barhight and Mr. Gildea:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner



Exxon

Jeff Colvard

June 1965. > prior special
exception

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
6037 Baltimore National Pike, S/S Balto.		
Nat'l Pike, 283' +/- E of E/S Pine Ave.,	*	OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic		
	*	CASE NO. 96-114-SPHXA
Legal Owner: Exxon Corporation		
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

44-114-SPHXA

5/87-95

10/23/95

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 17, 1995

Mr. Arnold Jablon
Director
Permits & Development Management Office
111 N. Chesapeake Avenue
Towson, Maryland 21204

Re: Exxon Station at 6037 Baltimore National Pike
Case No. 96-114-SPHXA (Item 107)

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, Whiteford, Taylor & Preston, hereby file an Amended Special Exception and Variance Plan for the above-referenced site. The current hearing date is set for Thursday, October 26, 1995 at 2:00 p.m. in Room 118 of the Old Court House. Exxon Corporation hereby requests a postponement from that hearing date to reschedule a hearing at the earliest convenience.

Enclosed please find the Amended Variance Petition. Exxon Corporation is not amending its request for Special Hearing or Special Exception.

Also enclosed please find a \$100.00 revision filing fee.

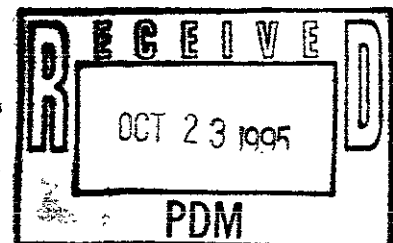
Joe Merroy is the zoning technician who reviewed the original filing. If you have any questions or comments, please contact me. With kind regards.

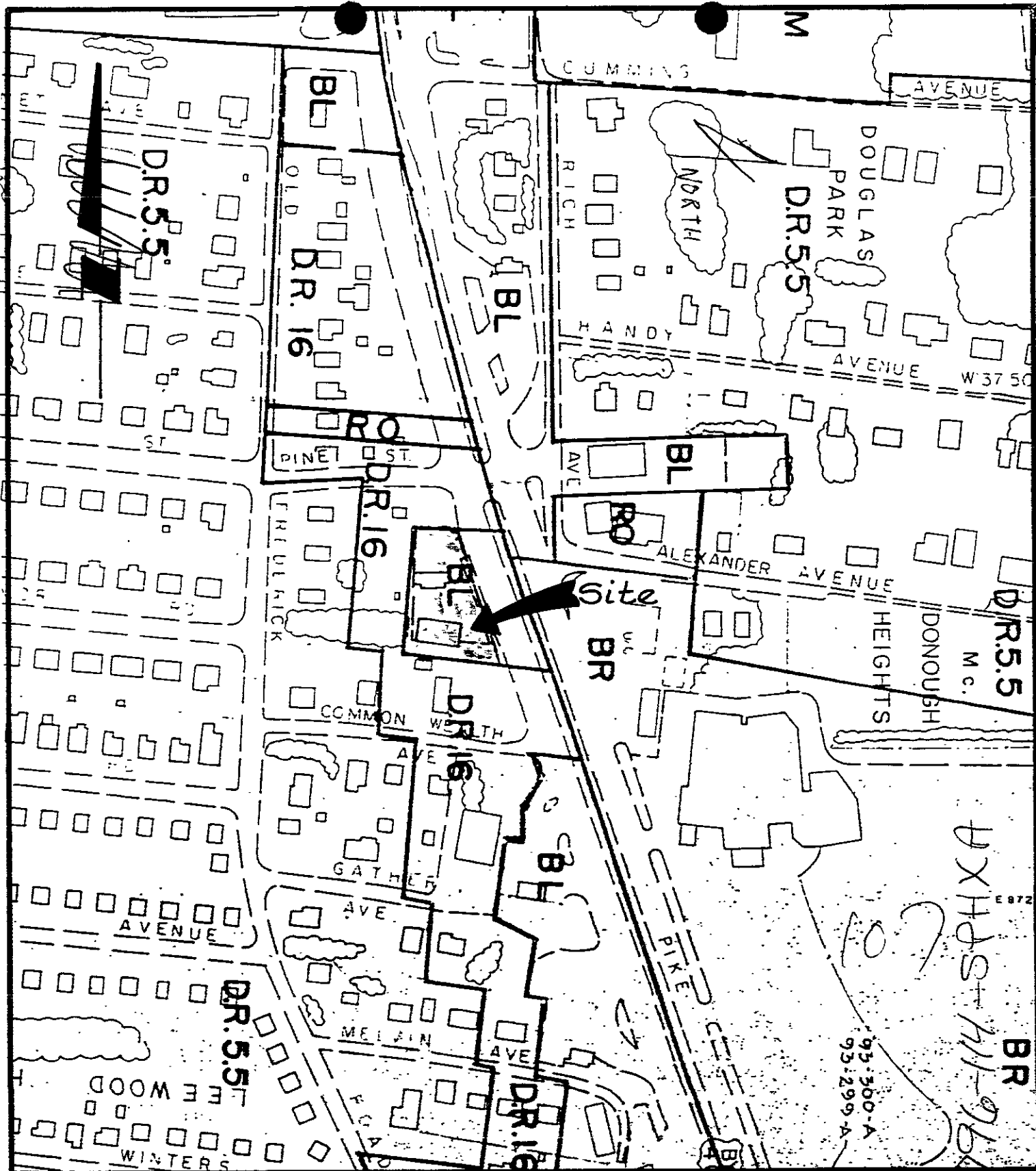
Very truly yours,

David K. Gildea
David K. Gildea

DKG:acs
Enclosures
cc: Jennifer Colvard

10/24/95
DROP-OFF
NO REVIEW
ner





SCALE	DATE
DR. BY	CH. BY
PLAT NO.	JOB NO.

FREDERICK WARD ASSOCIATES, INC.



ENGINEERS-ARCHITECTS-SURVEYORS
5 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014-0727
(410)838-7900 (410)879-2090

EXON
ZONING
MAP

MAP # SW 2-6

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David K. Golden

Whiteford, Taylor & Preston
200 W. Penn Ave., Suite 400
Baltimore, MD - 21204

TIMOTHY WHITTIE

FREDERICK WARD ASSOC. INC.
5 SOUTH MAIN ST. BEL AIR, MD 21014

JENNIFER A. COLVARD

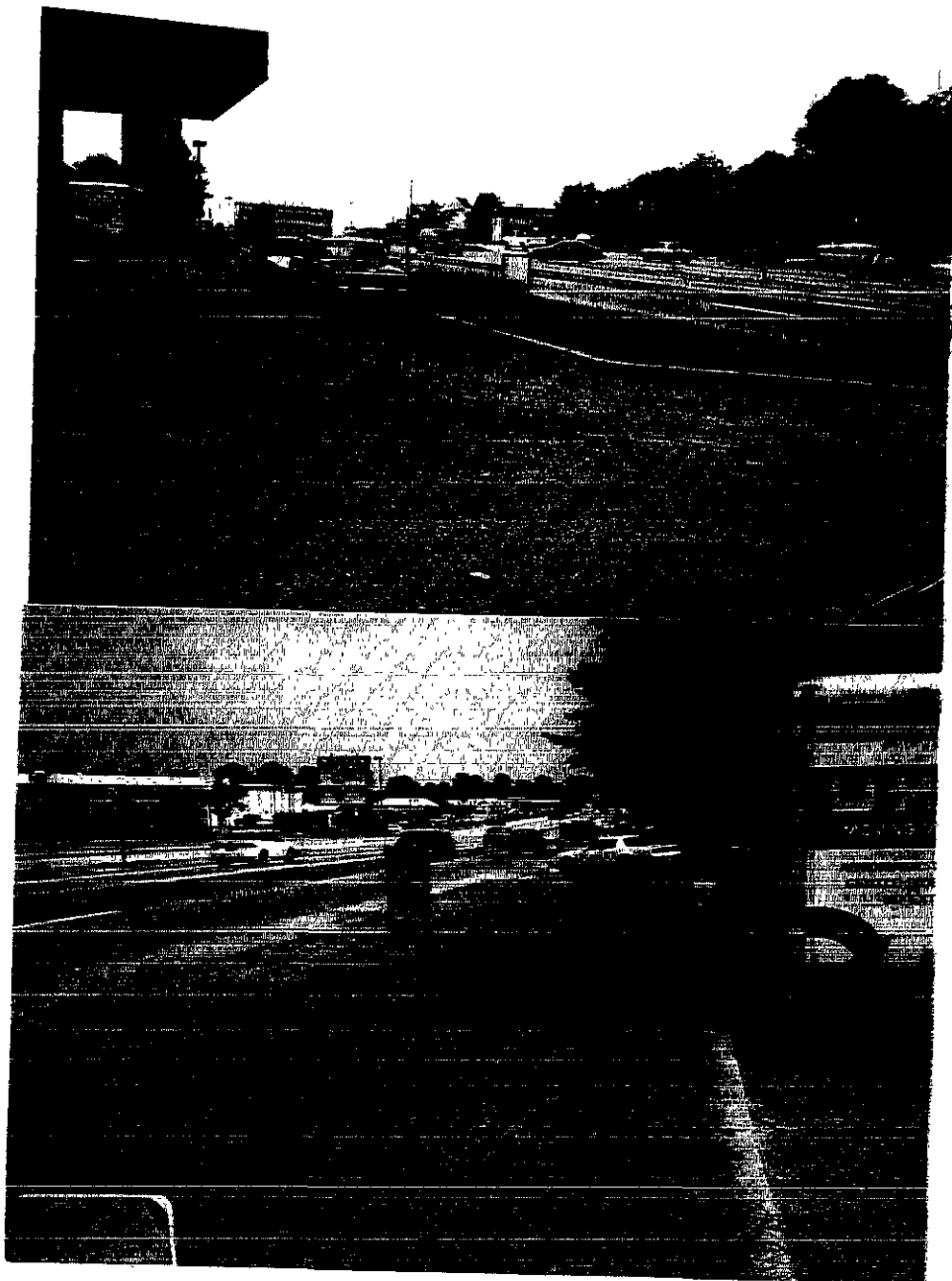
EXXON CO, USA
6301 LUY LANE, SAE 700
GREENBELT, MD 20770

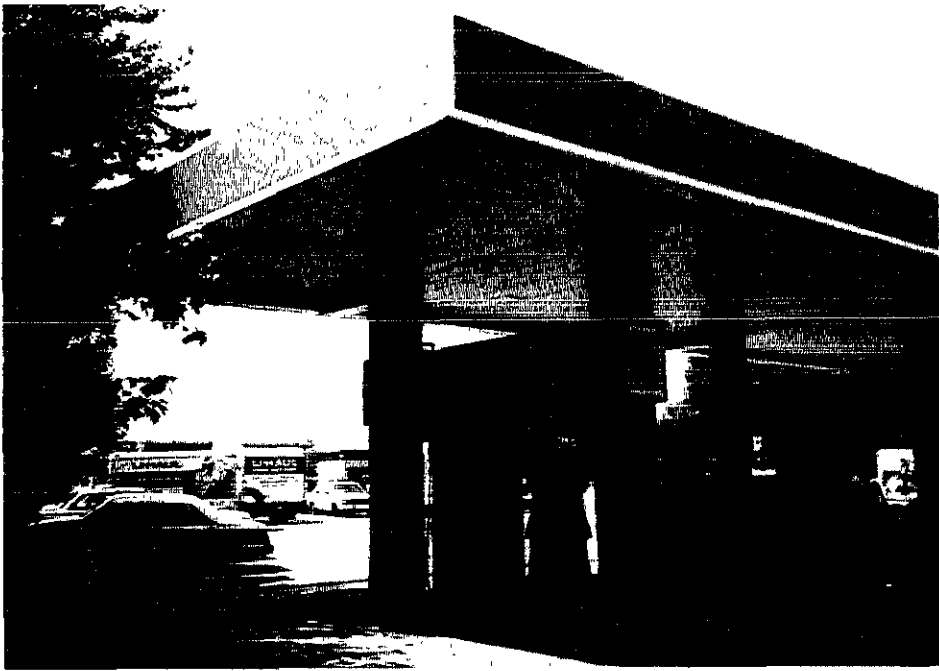
6037 Shady Estrogang

40 W PLYM
6037 SHADY RD Pk 21228











IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE * ZONING COMMISSIONER
S/S Baltimore National Pike, 263' *
1/- E of E/S Pine Avenue * OF BALTIMORE COUNTY
6037 Baltimore National Pike *
1st Election District * Case No. 96-114-SPHXA
1st Councilmanic District *
Exxon Corporation *
Petitioner *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the property located at 6037 Baltimore National Pike near Catonsville. The Petitions are filed by the Exxon Corporation, property owner, through Michael J. Specht, agency/attorney-in-fact. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing, Special Exception and Variance. Within the Petition for Special Hearing, approval is requested to amend the previously approved site plan in case No. 65-257-RX. Relief requested through the Petition for Special Exception is to permit a fuel service station use in combination with a convenience store. There are 10 specific variances requested. These generally relate to relief requested from Section 405 of the Baltimore County Zoning Regulations (BCZR) (Landscape areas, setbacks, etc.), Section 409 (Drive-aisle widths), and Section 413 (signs). The specific variances requested are referenced in Exhibit No. A which is attached hereto and made a part hereof.

Appearing at the public hearing held for this case was Jennifer A. Colvard on behalf of the Exxon Corporation. Also present was Timothy Whittle from Frederick Ward Associates, Inc., the consultants who prepared the site plan. Shmaya Estrogano, the proprietor of the service station, also appeared in support of the Petitions. David K. Gildea, Esquire appeared on

behalf of the Petitioner. There were no Protestants or other interested persons present.

Uncontradicted proffered testimony and evidence presented was that the subject site is .6522 acres in gross area, zoned B.L.-A.S. The property abuts the Baltimore National Pike (U.S. Route 40) on the southeast corner of the intersection of that road and Pine Avenue. The site is within that stretch of U.S. Route 40 between its interchange with the Baltimore Beltway (I-695) and Rolling Road. This is a highly commercial/business corridor which features many automobile fuel service and related uses, as well as retail and other commercial uses. The site has been used as an automobile service station for many years. Originally, a special exception relief was granted in the mid-1960s for a service garage. Exxon has operated a service station at this location for many years. Photographs of the site show same to be a well maintained service station operation. Presently, in addition to fuel sales, repairs are made within the existing service garage building.

As is the trend in the fuel sale industry, Exxon will be converting the site and eliminating the repair aspect of the business. A Tiger Mart retail will occupy the existing building. This use will provide a facility for the retail sale of convenience and household items. Fuel sales from the site will continue. This Zoning Commissioner is familiar with this type of operation and has evaluated many such uses throughout Baltimore County. Most of the major oil corporations are converting their fuel service operations to provide retail sales of convenience items. Many of the repair facilities are being eliminated.

As to the Petition for Special Exception, it is clear that same should be granted. This is a case where the history of the use of the site supplies persuasive evidence that the proposed use will not be detrimental to the health, safety and general welfare of the locale. In fact, the proposed

use will be substantially similar to the previous activity, in terms of the sale of fuel. The conversion of the repair garage to a retail building will not be detrimental to the health, safety and general welfare of the locale. I am persuaded that the Petitioner has satisfied the legal standards set forth in Section 502.1 of the BCZR.

For similar reasons, the Petition for Special Hearing should also be granted. The amendment to the previously approved plan in case No. 65-257-RX is necessary to approve the conversion of the repair facility to the retail building. Again, for reasons set forth above, evidence is persuasive that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR.

As to the many variances requested, they should also be granted. The grant of the variances is necessary to accommodate the conversion and legitimize existing conditions. Variance relief is necessary to bring this older developed site into compliance with current regulations. Also, the re-development of the site is made difficult due to site constraints unique to this property. The parcel is of unusual shape and configuration. I am convinced that the Petitioner has satisfied the practical difficulty burden set forth in Section 307.1 of the BCZR and as construed by the case law. Thus, the Petition for Variances shall be granted.

Moreover, I shall condition the relief granted herein and require compliance with the Zoning Plans Advisory Committee (ZAC) comments. In this regard, both the Office of Planning and Zoning and the Development Plans Review Division suggest that a landscape plan be submitted to buffer the use from the surrounding properties. This will require the repair/replacement of an existing fence and additional plantings where appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 11th day of January, 1996, that, pursuant to the Petition for Special Exception, approval to allow a fuel service station use in combination with a convenience store, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for an amendment of the previously approved site plan in case No. 65-257-RX, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Section 405 of the BCZR (Landscape areas, setbacks, etc.), Section 409 (Drive-aisle widths) and Section 413 (signage), be and are hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with the Zoning Plans Advisory Committee (ZAC) comments from the Office of Planning and Zoning and the Development Plans Review Division regarding a landscape plan. Such a plan shall contain detail to repair and replace an existing fence and additional plantings, where appropriate.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date 1/11/96 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/11/96 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/11/96 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/11/96 By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 11, 1996

David K. Gildea, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Variance, Special Hearing and Special Exception
Case No. 96-114-SPHXA
Property Location: 6037 Baltimore National Pike
Exxon Corporation, Petitioner

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance, Special Hearing and Special Exception have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
[Signature]
Zoning Commissioner

LES:mmm
encl.
cc: Ms. Jennifer A. Colvard, Exxon Co., USA, 6301 Ivy Lane, Suite 700
Greenbelt, Md. 20770
Mr. Timothy Whittle, Frederick Ward Assoc. Inc., 5 South Main St.
BelAir, Md. 21014



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Balto., MD 21228
96-114-SPHXA which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.1 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case Nos. 65-257-RX.

Property is to be posted and advertised as prescribed by Zoning Regulations.

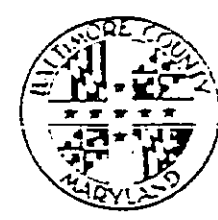
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor: Exxon Corporation
Type or Print Name: [Signature]
Signature: [Signature]
Address: 6301 Ivy Lane (301) 513-7511
City: Greenbelt, MD 20770
State: MD
County: Prince Georges
Name, Address and phone number of representative to be contacted: G. Scott Barhight, David K. Gildea
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000
City: Towson, MD 21204 (410) 832-2000
State: MD
County: Prince Georges
Name, Address and phone number of representative to be contacted: G. Scott Barhight, David K. Gildea
Whiteford, Taylor & Preston
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City: Towson, MD 212

ATTACHMENT TO PETITION FOR VARIANCE TO THE ZONING COMMISSIONER
OF BALTIMORE COUNTY FOR THE PROPERTY LOCATED AT 6037 BALTIMORE
NATIONAL PIKE, BALTIMORE, MARYLAND 21228, WHICH IS PRESENTED
ZONED BL-AS

Variances:

- Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 10 ft. abutting a public right-of-way.
- Section 405.4.A.2.b to permit a landscape transition area of 2 feet in lieu of the required 15' when abutting residentially zoned land.
- Section 413.2(F) to permit a modification of the existing 117.8 sq. ft. sign to 163.7 sq. ft. sign in lieu of the required 100 ft. sign requirement.
- Section 405.4.A.2.a to permit a 10 ft. canopy set-back in lieu of the 15' requirement.
- Section 405.4.A.2.a to permit a 20 ft. pump island set back in lieu of the 25 ft. set back requirement.
- Sections 405.4.A.2.a and 232 to permit two ft. and 12 ft. building set back in side and rear yard in lieu of the required 10 ft. and 20 ft. side and rear yard set back requirements.
- Section 405.4.A.1 to permit a site area of 21,484 sq. ft. in lieu of the 22,080 sq. ft. site area requirement.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6037 Baltimore National Pike, Baltimore, MD 21228
which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections

See attached sheet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased/Lessee

(Type or Print Name)

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

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Address

City

96-114-SPHXA
REV 10/24/95

ATTACHMENT TO AMENDED PETITION FOR VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

for the property located at 6037 Baltimore National Pike, Baltimore, Maryland 21228,
which is presently zoned BL-AS

VARIANCES:

- Section 405.4A.2.b to permit a landscape transition area of 0 feet in lieu of the required 10 feet abutting a public right of way.
- Section 405.4A.2.b to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land.
- Section 413.2(f) to permit a modification of the existing 117.8 square feet sign to 163.7 square foot sign in lieu of the required 100 square feet sign requirement.
- Section 405.4A.2.a to permit a 10 foot canopy set back in lieu of the 15 foot canopy setback requirement.
- Section 405.4A.2.a to permit a 20 foot pump aisle setback in lieu of the 25 foot pump aisle setback requirement.
- Sections 405.4A.2.a and 232 to permit 2 foot and 12 foot building setbacks in side and rear yard in lieu of the required 10 foot and 20 foot side and rear yard setback requirements.
- Section 405.4.A.1 to permit a site area of 21,484 square feet in lieu of the 22,080 feet site area requirement.
- Section 409.4C to permit a 4 foot aisle width in lieu of the 22 foot aisle width requirement.
- Section 409.4C to permit an 11.5 foot aisle width in lieu of the 22 foot aisle width requirement.
- Section 409.4C to permit a 6.5 foot aisle width in lieu of the 22 foot aisle width requirement.

61055

Drop-off No Review
10/24/95
WCR



Frederick Ward Associates, Inc.
ENGINEERS ARCHITECTS SURVEYORS

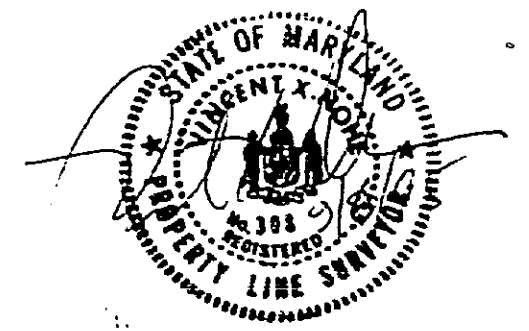
ZONING DESCRIPTION 96-114-SPHXA

6037 BALTIMORE NATIONAL PIKE
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a pipe found on the southerly right-of-way line of U.S. Route 40 Baltimore National Pike at a point lying North 72° 31' 59" East 283 feet more or less from the easterly right-of-way line of Pine Avenue. Thence leaving U.S. Route 40 and binding on the outline of Lot 17 of Douglas Park as shown on a plat recorded in Plat Book WPC No. 7, Part 2-170

- South 07° 46' 57" West 144.80 feet to a pin found. Thence along the southerly outline of Lots 17, 18, 19, & 20
- North 87° 00' 15" West 200.12 feet to a pipe found. Thence along the outline of Lot 20
- North 00° 45' 34" West 63.69 feet to a pin found to intersect the southerly right-of-way line of U.S. Route 40. Thence binding thereon
- North 72° 31' 59" East 230.95 feet to the point of beginning hereof

CONTAINING 21483 Square Feet (0.4932 Acre) of land more or less.



5 South Main Street - P.O. Box 727 - Bel Air, Maryland 21034 - (410) 838-7900 - 879-2090 - Fax (410) 893-1243

107

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 107 Date of Posting: 10/24/95
Posted for: Special Hearing - Variance
Petitioner: EXAM CORPORATION
Location of property: 6037 Baltimore National Pike, Sp.
Location of Sign: Facing south on property being zoned
Remarks: All set
Posted by: [Signature] Date of return: 10/24/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1995.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 154300
DROP-OFF NO REVIEW
CASE 96-114-SPHXA
ITEM #107
DATE 10/24/95 ACCOUNT 901-0150
AMOUNT \$ 100.00
RECEIVED Whiteford, Taylor & Preston
FOR: 1110 - REVISIONS 1107-PLATS
6037 Baltimore National Pike
VALIDATION ON SIGNATURE OF CARRIER
FOR: JERRY WILSON - DIRECTOR

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 107

Petitioner: EXAM CORPORATION
Location: 6037 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David E. Gildea
ADDRESS: Whiteford, Taylor & Preston
210 W. Penn. Ave. Suite 400 Towson, Md. 21204
PHONE NUMBER: (410) 832-2066

AJ:ggg
(Revised 04/09/93)

TO: POTENTIAL PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

David E. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
612-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-114-SPHXA (Item 107)
6037 Baltimore National Pike
S/S Baltimore National Pike, 283' +/- E of S/S Pine Avenue
1st Election District - 1st Councilmanic
Legal Owner: EXAM CORPORATION
HEARING: WEDNESDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in case 96-257-02.
Special Exception for a fuel service use-in-combination with a convenience store.
Variance to permit a landscape transition area of 0 feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square foot sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3333.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-114-SPEXA (Item 107)
6037 Baltimore National Pike
S/S Baltimore National Pike, 283' +/- E of E/S Pine Avenue
1st Election District - 1st Councilmanic
Legal Owner: Exxon Corporation
HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in case #65-257-RZ.
Special Exception for a fuel service use-in-combination with a convenience store.

Variance to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement.

Arnold Jablon
Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 21, 1995

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-114-SPEXA (Item 107)
6037 Baltimore National Pike
S/S Baltimore National Pike, 283' +/- E of E/S Pine Avenue
1st Election District - 1st Councilmanic
Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #65-257-RZ.
Special Exception for a fuel service use-in-combination with a convenience store.
Variance to permit a landscape transition area of zero feet in lieu of the required 10 feet abutting a public right-of-way; to permit a landscape transition area of 2 feet in lieu of the required 15 feet when abutting residentially zoned land; to permit a modification of the existing 117.8 square foot sign to 163.7 square feet sign in lieu of the required 100-square foot sign requirement; to permit a 10-foot canopy setback in lieu of the 15-foot requirement; to permit a 20-foot pump island setback in lieu of the 25-foot setback requirement; to permit 2 feet and 12 feet building setbacks in side and rear yard in lieu of the required 10 feet and 20 feet side and rear yard setback requirements; and to permit a site area of 21,484 square feet in lieu of 22,080 square feet site area requirement; to permit a 4 foot aisle width in lieu of the 22 foot aisle width requirement; to permit an 11.5 foot aisle width in lieu of the 22 foot aisle width requirement; and to permit a 6.5 foot aisle width in lieu of the 22 foot aisle width requirement.

HEARING: MONDAY, DECEMBER 11, 1995 at 2:00 p.m. in Room 118, Old Courthouse

ARNOLD JABLON
DIRECTOR

cc: G. Scott Barhight, Esq./David K. Gildea, Esq.
Exxon Corporation

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 107
Case No.: 96-114-SPEXA
Petitioner: Exxon Corporation

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: 6037 Baltimore National Pike

DATE: September 21, 1995

INFORMATION:

Item Number: 107
Petitioner: Exxon Corporation
Property Size: _____
Zoning: RL-AS
Requested Action: Special Hearing, Special Exception and Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff recommends that the applicant's request be granted conditioned upon the petitioner being required to erect a new board on board fence to replace the existing fence.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Kinn*
PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DK
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 107

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved prior to the release of permits. The submitted schematic landscape plan will need considerable refinement. A more appropriate residential buffer treatment is needed and a streetscape treatment for the State right-of-way will be sought.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 107 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD 40 EAST are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9/25/95

DATE: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 102
104
107
108
109
110
111
112
113
114
115
116

LS:sp

LETTY2/DEPRM/TXTSP

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 105

RE: Proposed Agenda: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and shall be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 107, 108, 109, 110, 112, 113, 114 AND 115.

RECEIVED
SEP 21 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal's Office, PHONE 887-4881. MS-1102F

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 107, Case No. 96-114 SPHX Revised

The Development Plans Review Division has reviewed the subject zoning item. Please see Avery Harden in this office for detailed comments on the landscape plan.

The impacted area of the proposed addition is subject to the Landscape Manual.

RWB:sw

PETITION PROBLEMS

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRE

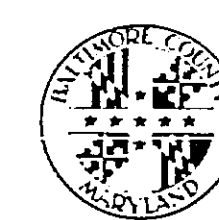
1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid - no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Suite 400
Towson, MD 21204

RE: Preliminary Revision Review
Item #107, Case #96-114-SPHX
Legal Owner: Exxon Corporation
6037 Baltimore National Pike
1st Election District

Dear Mr. Barhight and Mr. Gildea:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

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PK: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
6037 Baltimore National Pike, S/S Balto.
Nat'l Pike, 283' +/- E of E/S Pine Ave.,
1st Election District, 1st Councilmanic
Legal Owner: Exxon Corporation
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-114-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Denilio
CHARLES S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204 4515
410 832-2000
FAX 410 832-2015

1021 CONSTITUTION AVENUE NE
WASHINGTON, D.C. 20004
TELEPHONE 202 462-4000
FAX 202 462-4001

1117 E. STREET
ALEXANDRIA, VIRGINIA 22304
TELEPHONE 703 548-2000
FAX 703 548-2001

October 17, 1995

Mr. Arnold Jablon
Director
Permits & Development Management Office
111 N. Chesapeake Avenue
Towson, Maryland 21204

Re: Exxon Station at 6037 Baltimore National Pike
Case No. 96-114-SPHX (Item 107)

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, Whiteford, Taylor & Preston, hereby file an Amended Special Exception and Variance Plan for the above-referenced site. The current hearing date is set for Thursday, October 26, 1995 at 2:00 p.m. in Room 118 of the Old Court House. Exxon Corporation hereby requests a postponement from that hearing date to reschedule a hearing at the earliest convenience.

Enclosed please find the Amended Variance Petition. Exxon Corporation is not amending its request for Special Hearing or Special Exception.

Also enclosed please find a \$100.00 revision filing fee.

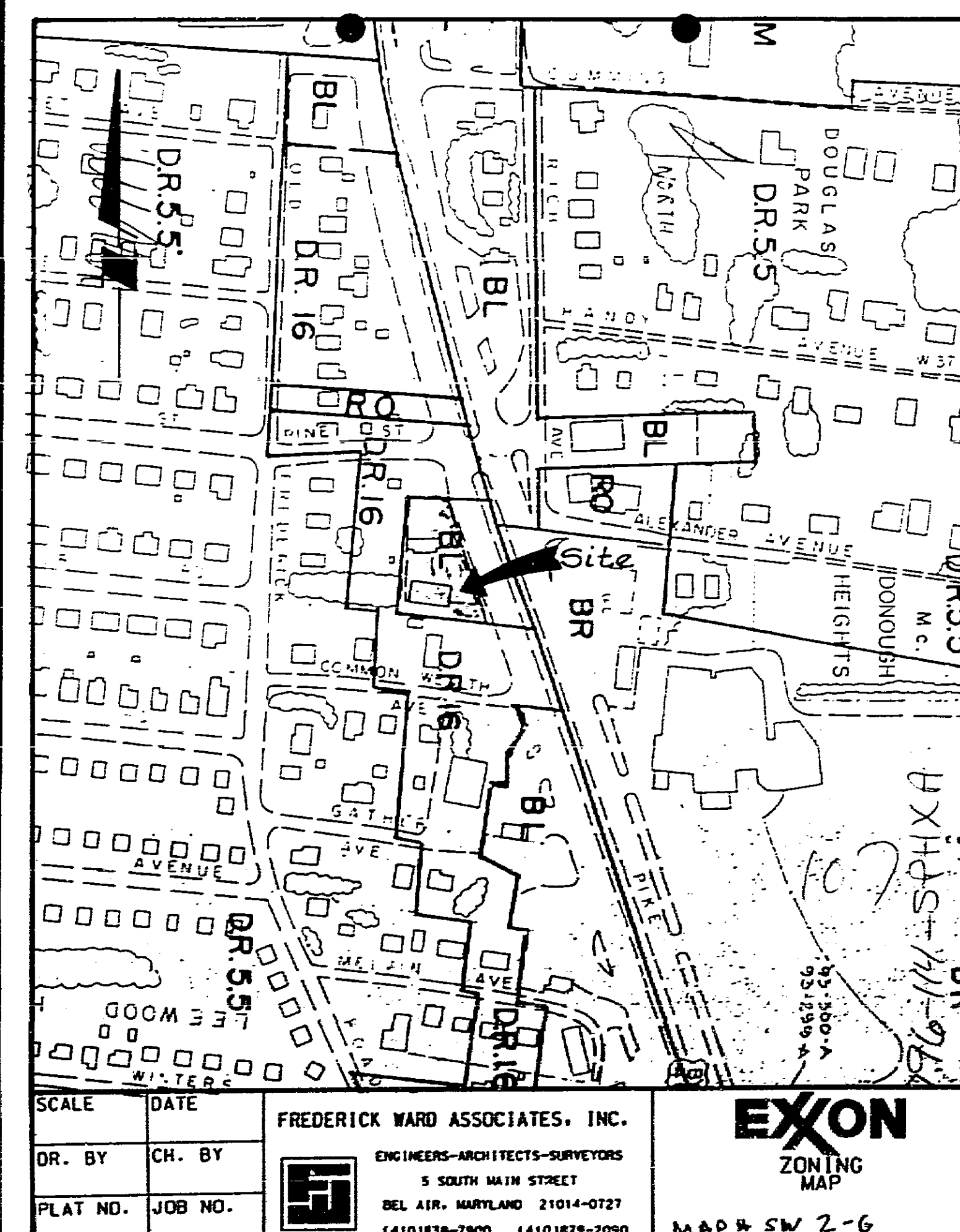
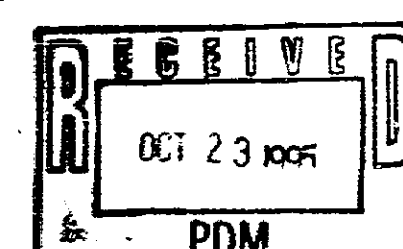
Joe Merrey is the zoning technician who reviewed the original filing. If you have any questions or comments, please contact me. With kind regards.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:acs
Enclosures
cc: Jennifer Colvard

10/24/95
DOP-OF
NO REVIEW
NER

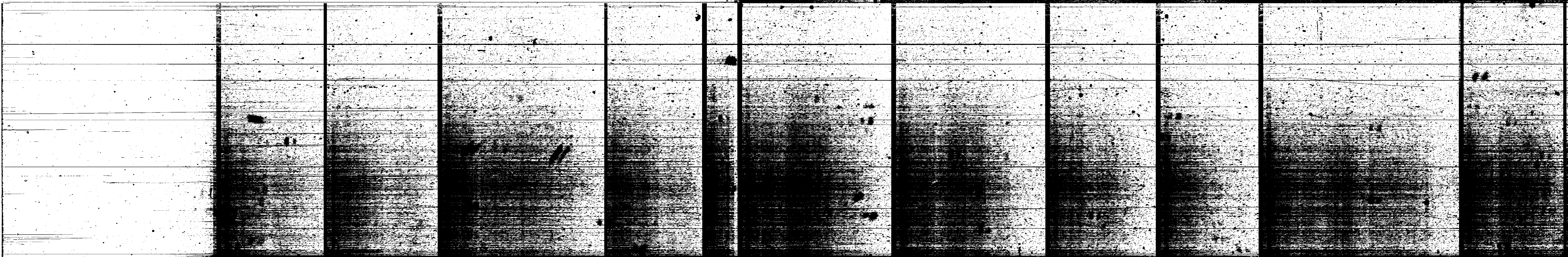
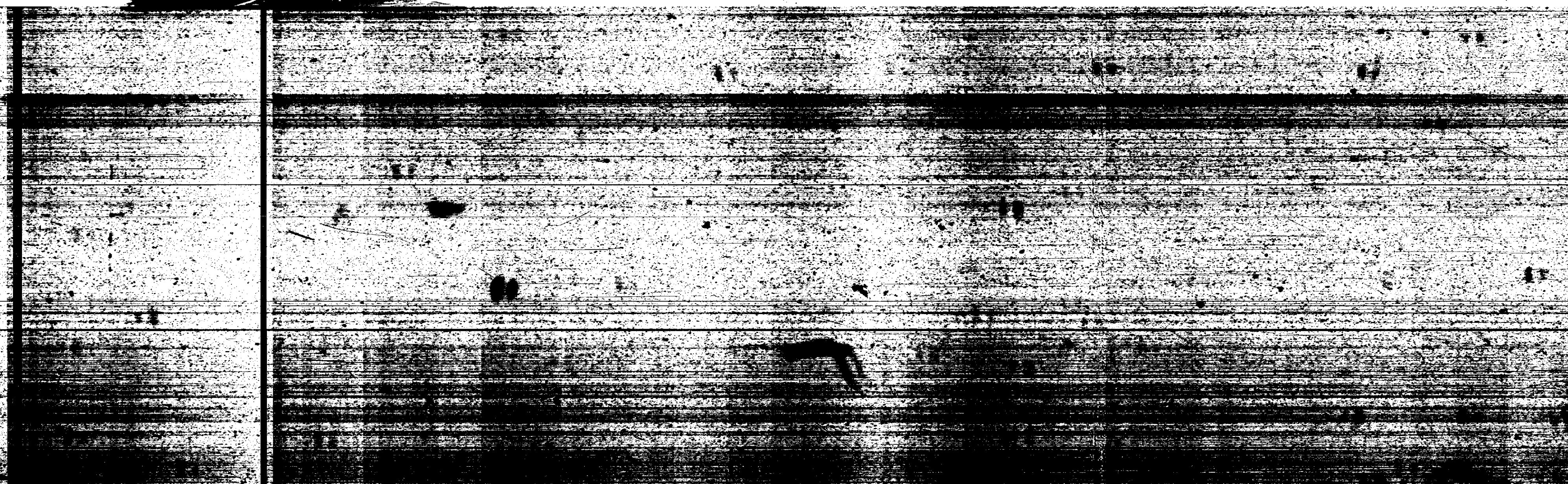
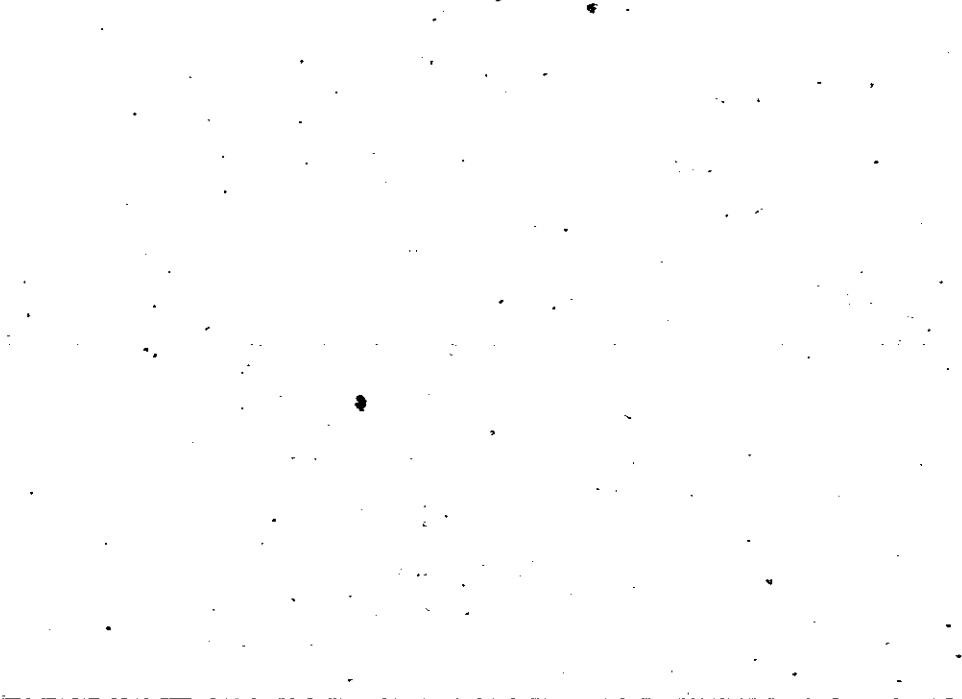
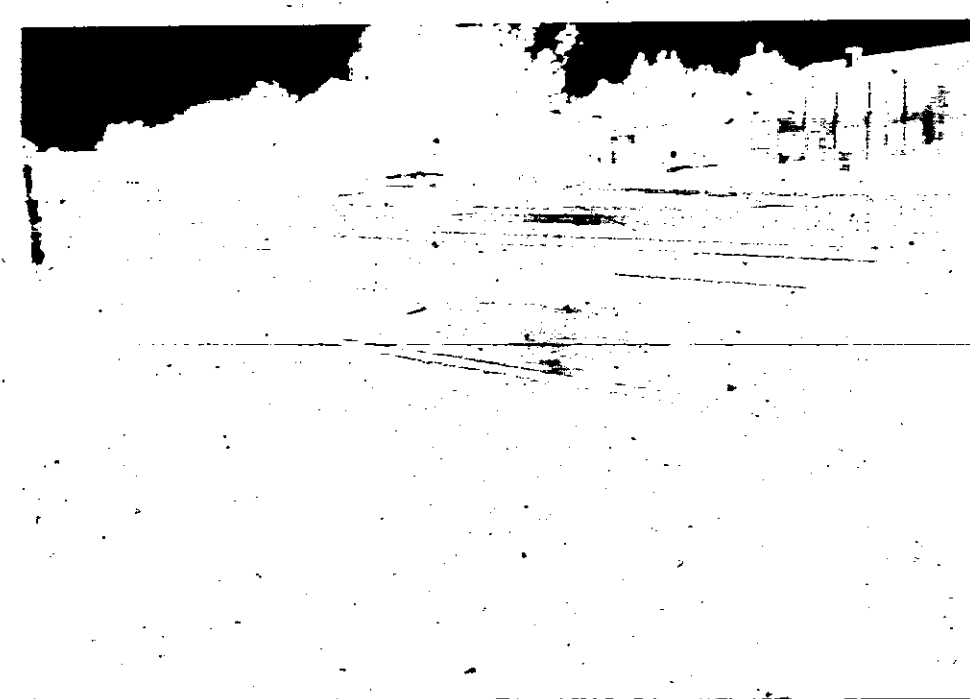
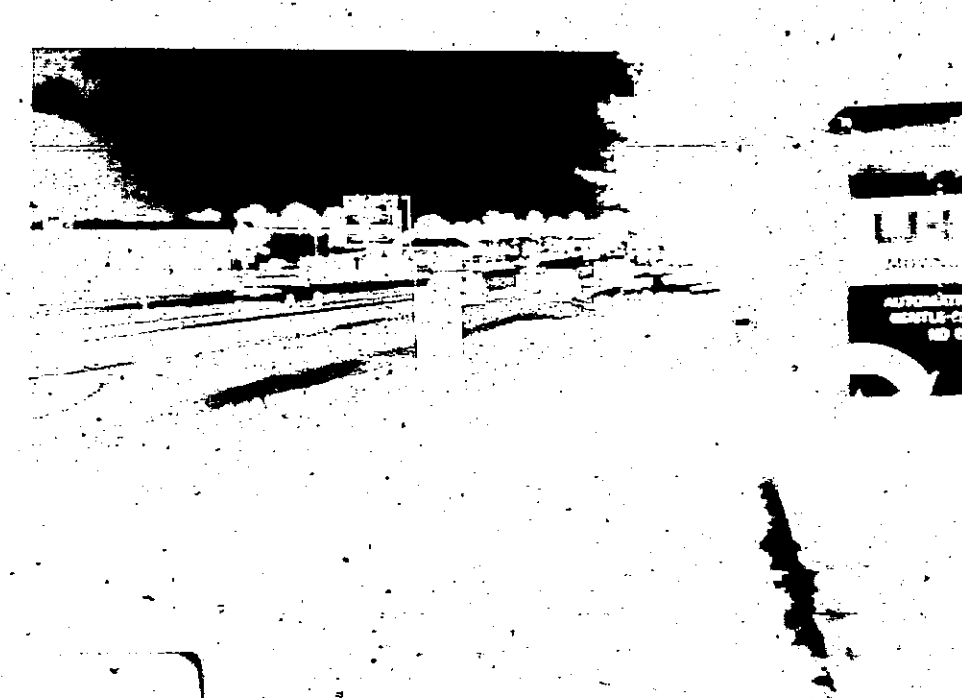
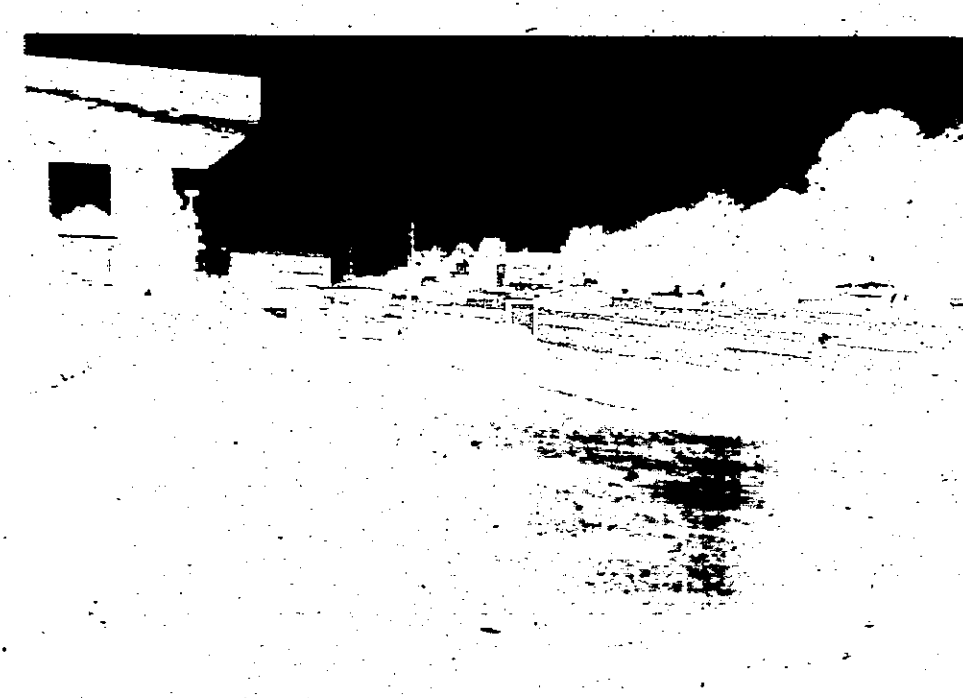
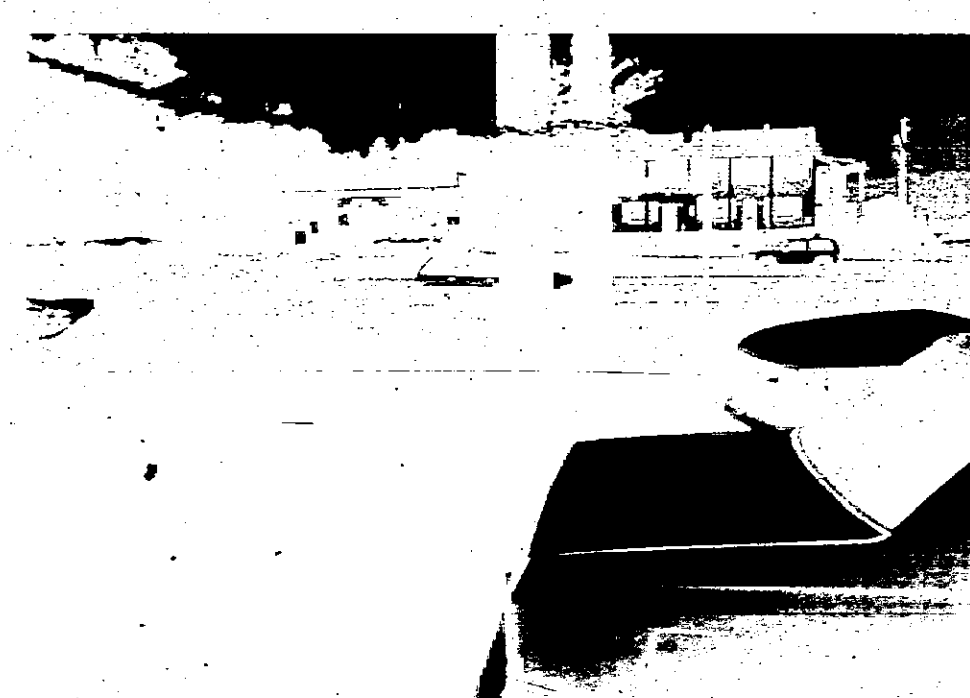
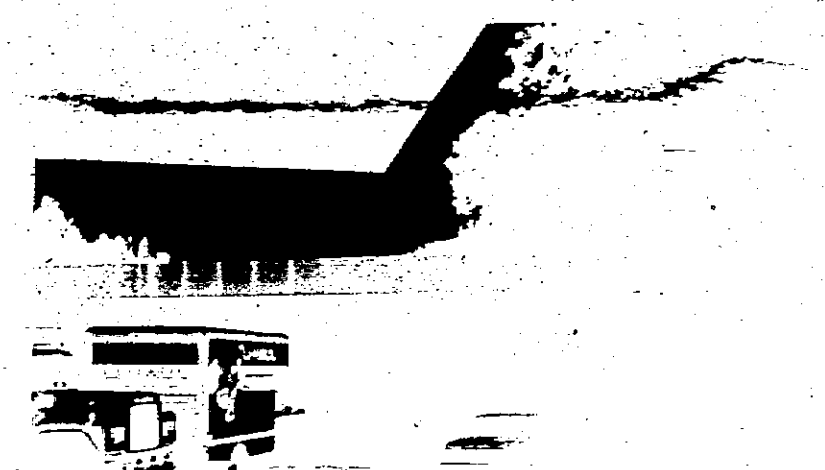


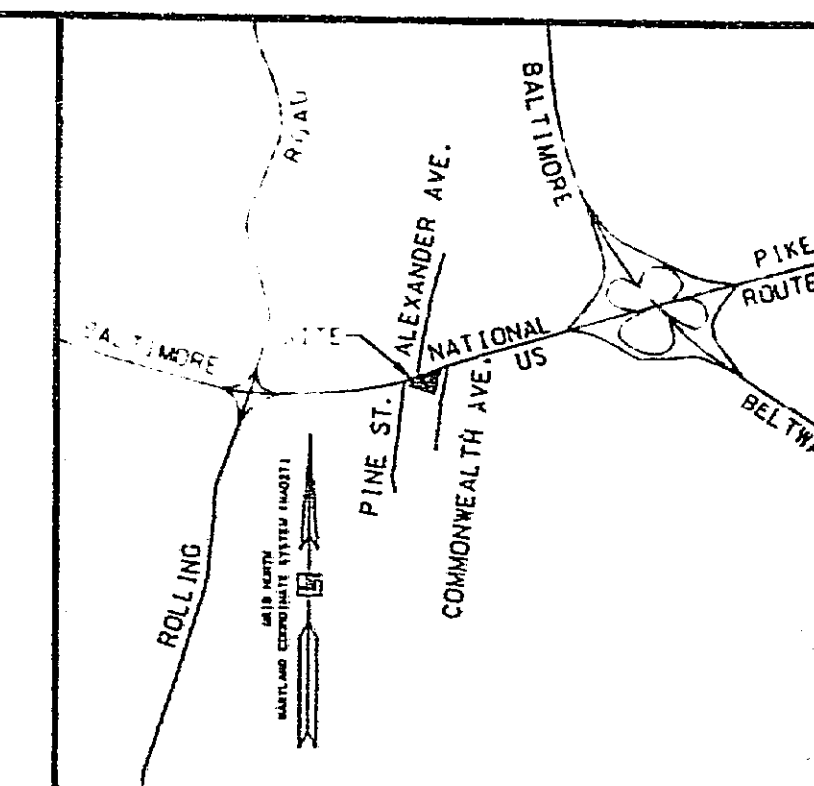
B.M.P.

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>David K. Gildea</i>	<i>Whiteford, Taylor & Preston 210 West Pennsylvania Avenue Towson, MD 21204</i>
<i>TIMOTHY WHITTE</i>	<i>FREDERICK WARD ASSOCIATES, INC. 5 SOUTH MAIN STREET BAL AIR, MD 21014</i>
<i>JENNIFER A. COLVARD</i>	<i>EXXON CO. USA 1301 WYOMING AVE GREENBELT, MD 20770</i>
<i>2037 Shady Side</i>	<i>40 W. 11th St 6037 BAL AIR, MD 21204</i>

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SITE INFORMATION

1. GROSS SITE AREA: 28.441-5 SO.FT. = 0.6522 ACRES
2. NET LOT SIZE: 21.483 SO.FT. = 0.4932 ACRES
3. FLOOR AREA: CONVENIENCE STORE = 2,340 SO.FT.
4. FLOOR AREA RATIO: 2.340/28.441-5 = 0.082
5. TAX ACCOUNT NUMBER: 01-17-100343
6. ELECTION DISTRICT: FIRST (1ST)
7. COUNCILMANIC DISTRICT: FIRST (1ST)
8. EXISTING USE: FUEL SERVICE STATION
9. PROPOSED USE: FUEL-SERVICE STATION W CONVENIENCE STORE
10. CENSUS TRACT: 4.015.05
11. TOTAL IMPERVIOUS AREA:15,217 SO. FT. Ex: 17,094 SO. FT
12. TOTAL LANDSCAPED AREA:62,665 SO. FT. Ex: 4,389 SO. FT
13. WATERSHED 26 SUBWERSHED 69

ZONING NOTE:

- A. ZONING STATUS
1. EXISTING ZONING:
2. PROPOSED ZONING:

B. AREA REQUIREMENTS

1. DISPENSER ISLANDS WITH 5 MULTI-PRODUCT DISPENSER SERVING 6 GALS AT ONE TIME!
SERVING SPACES REQUIRED: 10
SERVING SPACES PROVIDED: 10
2. USE-IN-COMBINATION
CONVENIENCE STORE: 1770 SQ.FT. (RETAIL AREA) X
4 = 7,080 SQ.FT. ALLOWED UP TO 1,500
3. TOTAL SITE AREA
A. REQUIRED: 22,040 SQ.FT.
B. PROVIDED: 21,483 SQ.FT.

C. ACCESS POINT

- TWO (2) EXISTING ENTRANCES (35' & 35' WIDE) ON
RTE. 40 BALTIMORE NATIONAL PIKE

D. PARKI

- REQUIRED: 5 SPACES PER 1,000 SQ.FT. GROSS FLOOR AREA
OF C STORE: 2,250 SQ.FT. X 5 SPACES/1,000
= 11.25 = 12 SPACES - 1 SPACE PER EMPLOYEE
12 EMPLOYEE X 1 = 2 SPACES
AIR/WATER UNIT = 1 SPACE
TOTAL PARKING REQUIRED: 15 SPACES
- PROVIDED: 15 SPACES (INCLUDING ONE HANDICAP SPACE)

2. SITE ADDRESS

- EXTON STATION
6037 BALTIMORE NATIONAL PIK
BALTIMORE, MD 21228

F. REQUIRED SETBACK

- BUILDING: FRONT - 35 FEET
SIDE/REAR - 20 FEET
CANOPY: 15 FEET
PUMP ISLANDS: 25 FEET

G. ZOWING HISTORY

1. CASE # 65-257 R3 PETITION FOR RECLASSIFICATION FROM
A R-A ZONE TO A B-L ZONE AND PETITION FOR
SPECIAL EXEMPTION FOR GASOLINE FILLING STATION.
ORDER OF BOARD OF APPEALS DATED 06/14/66
GRANTING BOTH PETITIONS WITH NO RESTRICTIONS.







H. ZONING REQUESTS ANTICIPATED

- ## 1. EXCEPTION

DO NOT COME

- EXON COMPANY

LEGEND

-  SIGN KEY
 PARKING SPACES
 FLOW OF TRAFFIC (NOT STRIPED)
 GAS PUMP STACKING
 GAS PUMP WAITING
 EXISTING BUILDING

SPECIAL EXCEPTION AND VARIANCE PLAN

EXON COMPANY 11

DATE: 10-10-78

DATE	6-3-68
TIME	10:37

100-443887-100

DATE	DATE
------	------

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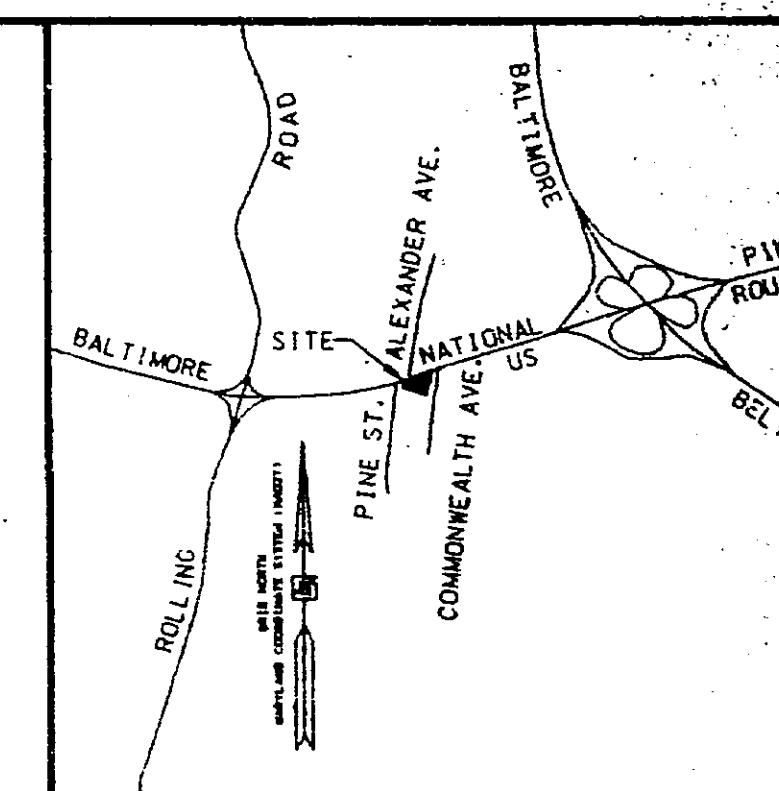
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PROJECT NO.	
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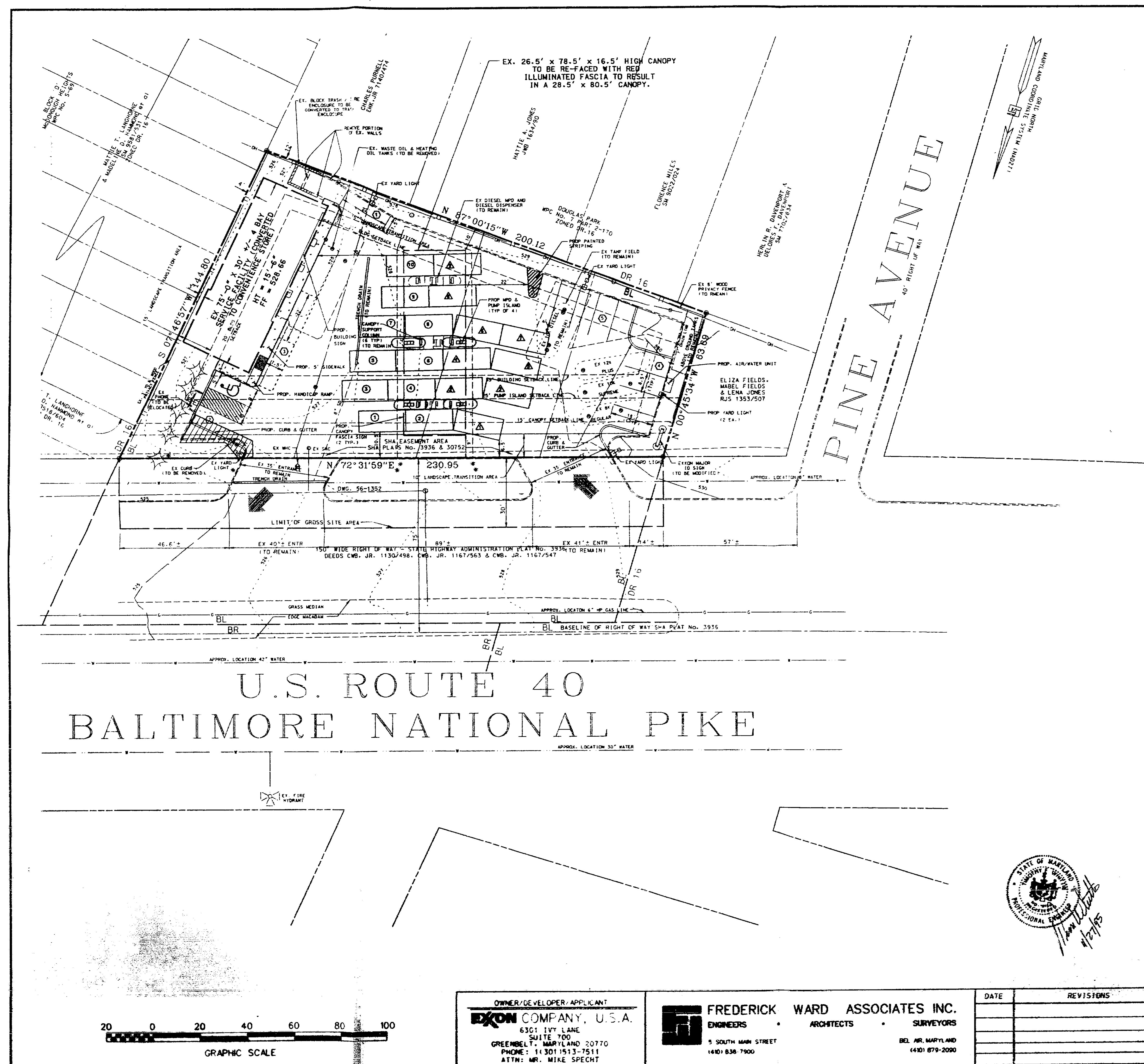
NO. 26504 DEN

PASS. NO.

On



VICINITY MAP
1"=2000'



SITE INFORMATION

- GROSS SITE AREA: 28,441.5 SQ. FT. = 0.6522 ACRES
- NET LOT SIZE: 21,483 SQ. FT. = 0.4932 ACRES
- FLOOR AREA: CONVENIENCE STORE = 2,340 SQ. FT.
- FLOOR AREA RATIO: 2,340/28,441.5 = 0.082
- TAX ACCOUNT NUMBER: 01-17-100343
- ELECTION DISTRICT: FIRST (1ST)
- COUNCILMANIC DISTRICT: FIRST (1ST)
- EXISTING USE: FUEL SERVICE STATION
- PROPOSED USE: FUEL SERVICE STATION W/ CONVENIENCE STORE
- CEMS TRACT: 4,019.05
- TOTAL IMPERVIOUS AREA: 115,217 SQ. FT. EX: 17,094 SQ. FT.
- TOTAL LANDSCAPED AREA: 162,665 SQ. FT. EX: 4,389 SQ. FT.
- WATERSHED: 26 SUBWERSHED 49

CONV. NOTES

- EXISTING CONDS: BL
- PROPOSED CONDS: BL
- AREA REQUIREMENTS
 - DISPENSER ISLANDS WITH 5 MULTI-PRODUCT DISPENSERS SERVING 4 CARS AT ONE TIME
 - SERVING SPACES REQUIRED: 10
 - SERVING SPACES PROVIDED: 10
- USE-IN-COMBINATION
 - CONVENIENCE STORE: 1,770 SQ. FT. (RETAIL AREA) 4 = 1,080 SQ. FT. ALLOWED UP TO 1,500
- TOTAL SITE AREA
 - A. REQUIRED: 22,080 SQ. FT.
 - B. PROVIDED: 21,483 SQ. FT.

ACCESS POINTS

- TWO (2) EXISTING ENTRANCES 15' & 35' WIDE ON US RTE. 40 BALTIMORE NATIONAL PIKE

PARKING

- REQUIRED: 5 SPACES PER 1,000 SQ. FT. GROSS FLOOR AREA OF C-STORE: 2,340 SQ. FT. X 5 SPACES/1,000 = 11.70 = 12 SPACES - 1 SPACE PER EMPLOYEE (17 EMPLOYEE X 11) = 2 SPACES
- AT-RATER UNIT = 1 SPACE
- TOTAL PARKING REQUIRED: 15 SPACES
- PROVIDED: 15 SPACES (INCLUDING ONE HANDICAP SPACE)

SITE ADDRESS

EXXON STATION
6037 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228

REQUIRED SETBACKS

- BUILDING: FRONT - 35 FEET
SIDE/REAR - 20 FEET
- CANOPY: 15 FEET
- PUMP ISLANDS: 25 FEET

ZONING HISTORY

- CASE # 65-257 BY PETITION FOR RECLASSIFICATION FROM A R-4 ZONE TO A B-4 ZONE AND PETITION FOR SPECIAL EXCEPTION FOR GASOLINE FILLING STATION.
- ORDER OF BOARD OF APPEALS DATED 04/14/86 GRANTING BOTH PETITIONS WITH NO RESTRICTIONS.

ZONING REQUESTS ANTICIPATED

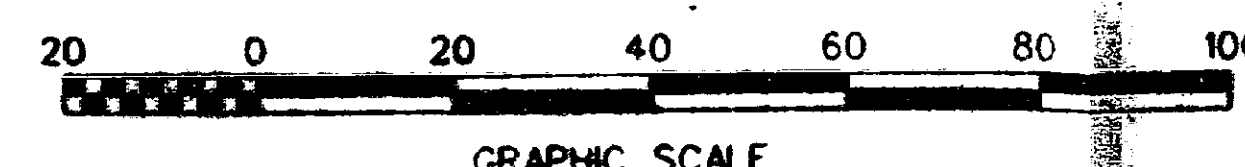
- SPECIAL EXCEPTION TO ALLOW A CONVENIENCE STORE WITH A SALES AREA OF 1,770 SQ. FT. INCLUDING ACCESSORY STORAGE.
- SPECIAL HEARING TO AMEND PREVIOUSLY APPROVE PLAN IN CASE # 65-257 RA.
- VARIANCES
 - VARIANCE SECTION 405.4.A.2.B TO PERMIT LANDSCAPE TRANSITION AREA OF ZERO (0) FEET WIDE IN LIEU OF THE REQUIRED TEN (10) FEET ALONG PUBLIC RIGHT-OF-WAY.
 - VARIANCE FROM SECTION 405.4.A.2.B. TO PERMIT LANDSCAPE TRANSITION AREA OF TWO (2) FEET WIDE IN LIEU OF THE REQUIRED FIFTEEN (15) FEET ALONG PROPERTY LINE, RESIDENTIALLY ZONED.
 - SIGN VARIANCE TO ALLOW MODIFICATION OF EXISTING 117.80 SQ. FT. I.D. SIGN TO 163.74 SQ. FT. I.D. IN LIEU OF THE ALLOWED 100 SQ. FT.
 - VARIANCE FROM SECTION 405.4.A.2.A TO PERMIT 9' CANOPY SETBACK IN LIEU OF THE REQUIRED 15' CANOPY SETBACK.
 - VARIANCE FROM SECTION 405.4.A.2.A TO PERMIT 20' PUMP ISLAND SETBACK IN LIEU OF THE REQUIRED 25' PUMP ISLAND SETBACK.
 - VARIANCE FROM SECTIONS 405.4.A.1 AND 238.2 TO PERMIT 2' AND 12' BUILDING SETBACKS IN LIEU OF THE REQUIRED 20' SIDE YARD AND 20' REAR YARD SETBACK.
 - SITE AREA VARIANCE 1405.40.11 TO PERMIT 21,483 SQ. FT. SITE AREA IN LIEU OF THE REQUIRED 22,080 SQ. FT. REQUIREMENT.
 - VARIANCE FROM SECTION 1405.40.1 TO PERMIT 47' ISLE WIDTH IN LIEU OF THE 22' ISLE WIDTH REQUIRED.
 - VARIANCE FROM SECTION 1405.40.1 TO PERMIT 11.5' ISLE WIDTH IN LIEU OF THE 22' ISLE WIDTH REQUIRED.
 - VARIANCE FROM SECTION 1405.40.1 TO PERMIT 6.5' ISLE WIDTH IN LIEU OF THE 22' ISLE WIDTH REQUIRED.

NOTE: LIGHTING STANDARDS ON SITE DO NOT EXCEED A HEIGHT OF 18' AND ARE DIRECTED AWAY FROM RESIDENTIALLY ZONED PROPERTY.

LEGEND

- ① SIGN KEY
- ② PARKING SPACES
- ➔ FLOW OF TRAFFIC (NOT STRIPED)
- ⬢ GAS PUMP STACKING
- ⬢ GAS PUMP WAITING
- ▨ EXISTING BUILDING

SPECIAL EXCEPTION AND VARIANCE PLAN



OWNER/DEVELOPER/APPLICANT
EXXON COMPANY, U.S.A.
6301 1ST LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: (1-301) 513-7511
ATTN: MR. MIKE SPECHT



FREDERICK WARD ASSOCIATES INC.
ENGINEERS • ARCHITECTS • SURVEYORS
5 SOUTH MAIN STREET
14101 838 7900
BEL. MR. MARYLAND
(410) 679-2020

DATE	REVISIONS	BY	CHK.

EXXON COMPANY, U.S.A.
Marketing Department
DATE: 11/17/95
DRAWN BY: SOP
CHK. BY: JTC
SCALE: 1"=40'

PROJECT NO.: 84287-01
DISC. NO.: PEX01.DGN
R.A.S. NO.: 2-0196
DWG. NO.: 1 DE-3

SITE PLAN
6037 BALTIMORE NATIONAL PIKE
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND